

**Revision Date:** 4/1/2010

Legend | **Added/Revised** | Deleted/Replaced

**Chapter:** Benefits Procedures

**Section:** Deductions after Retirement

**Subsection:** Temporary Annuity Payments

**Page:** 198

**Impact to Page Numbers:** No

**Summary:** Added missing text.

### Temporary Annuity Payments

Members who are retiring for service can elect to receive an additional monthly allowance from CalPERS. The benefit is payable from retirement date to a specific age that the member selects; 59 1/2 or any whole age from 60 to 68, along with the dollar amount they wish to receive. For members entering CalPERS membership on or after January 1, 2002, their employment must be in a position covered by Social Security and the maximum dollar amount that can be received is the amount of their potential Social Security benefit at whole age 62 to 70. This benefit is not free. The member's CalPERS lifetime allowance ***is reduced to pay for the temporary annuity.***

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**Chapter:** Benefits Procedures

**Section:** Disability Retirement or Industrial Disability Retirement

**Subsection:** The Determination

**Page:** 200

**Impact to Page Numbers:** No

**Summary:** Added missing text.

### The Determination

In accordance with G.C. section 21156, a local safety member shall be retired for disability only upon the employer's determination that the member is incapacitated physically or mentally for the performance of the usual job duties ***with the current employer.***

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**Chapter:** Benefits Procedures

**Section:** Disability Retirement or Industrial Disability Retirement

**Subsection:** The Determination

**Heading:** Industrial Disability Allowance

**Page:** 201

**Impact to Page Numbers:** No

**Summary:** Added additional text.

## Industrial Disability Allowance

Generally, the industrial disability retirement allowance of a local safety member will be 50%, or more by additional contract provisions, of final compensation.

***Please refer to your Annual Employer Statement for a complete list of provisions in your agency's contract. You can view your Annual Employer Statement in ACES or request a copy by calling the Employer Contact Center at 888 CalPERS (or 888-225-7377).***

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**Chapter:** Benefits Procedures

**Section:** Disability Retirement or Industrial Disability Retirement

**Subsection:** Advanced Disability Pension Payments (ADPP)

**Page:** 203

**Impact to Page Numbers:** No

**Summary:** Added missing word.

### Advanced Disability Pension Payments (ADPP)

The local safety employer is required to pay ADPP until the employee is approved or disapproved for a disability retirement allowance, only if the employee meets specified conditions set forth in Labor Code Section 4850.4. If an employee's disability **retirement** application is denied, the local agency and the employee shall arrange for the employee to repay all ADPP.

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**Chapter:** Benefits Procedures

**Section:** Disability Retirement or Industrial Disability Retirement

**Subsection:** Advanced Disability Pension Payments (ADPP)

**Heading:** School Members and Local Miscellaneous Members

**Page:** 211

**Impact to Page Numbers:** No

**Summary:** Added new subheading and additional items in the complete package for submitting a Disability Retirement Application.

### School Members and Local Miscellaneous Members

#### ***Application Process***

The member or individual applying on the member's behalf, other than the employer, is responsible for forwarding all forms to the appropriate party(ies) for completion. (See Employer Originated Application section when applying on a member's behalf).

## Complete Package

In order for CalPERS to process a request for disability retirement, we must receive a “complete package” within 30 calendar days. If the member does not provide all the needed documents within this time period, CalPERS will cancel the member’s application.

A complete package consists of:

- A completed Disability Retirement Election Application (PERS-BSD-369-D);
- A completed Authorization to Disclose Protected Health Information (PERS-BSD-35);
- A completed Physician’s Report on Disability (PERS01M0051DMC) from a physician who specializes in the member’s disabling condition. The physician must provide a diagnosis on the member’s condition and include information about how it prevents the member from performing his/her job duties (an incomplete form will delay the review process);
- Employer Information for Disability Retirement (PERS01M0052DMC) and the duty statement; and
- A completed Physical Requirements of Position/Occupational Title (PERS01M0050DMC) providing detailed information on the specific physical requirements of the member’s position or occupational title.
- ***Job description/duty statement.***
- ***A completed Workers’ Compensation Carrier Request (PERS-BSD-92) form from the insurance carrier with medical records attached relating to the claimed disability, if the member has a job related injury.***

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**Chapter:** Benefits Procedures

**Section:** Disability Retirement or Industrial Disability Retirement

**Subsection:** Local Public Agency and School Members

**Page:** 215

**Impact to Page Numbers:** No

**Summary:** Corrected maximum percentage allowable.

### Local Public Agency and School Members

A Local Public Agency Miscellaneous or School Member must have at least five years of service credit to be eligible for disability retirement.

If the member has between 5 and 10 years,  
OR 18 ½ or more years of service credit, multiply the years of service by 1.8 percent to determine the percentage of final compensation.

If the member has between 10 and 18 ½ years of service credit, add to that figure the number of years until the member will be age 60 and multiply the TOTAL by 1.8 percent to determine the percentage of final compensation. (The maximum percentage allowable is ~~33 ½~~ **33 1/3**).

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**Chapter:** Benefits Procedures

**Section:** Disability Retirement or Industrial Disability Retirement

**Subsection:** Other Local Public Agencies

**Page:** 215

**Impact to Page Numbers:** No

**Summary:** Corrected maximum percentage allowable.

Other Local Public Agencies

If you contract for the 1.5 percent at 65 formula, the member must have five years of service credit to be eligible for disability retirement.

If the member has between 5 and 10 years, OR 24.692 or more years of service credit, multiply the years of service by 1.350 percent to determine the percentage of final compensation.

If the member has between 10 and 24.691 years of service credit, add to that figure the number of years until the member will be age 65 and multiply the TOTAL by 1.350 percent.  
(The maximum percentage allowable is ~~33 ½~~ **33 1/3 percent**).

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**Chapter:** Benefits Procedures

**Section:** Employment of a Retiree

**Subsection:** How to Request a G.C. Section 21221(h) Extension for Employment

**Page:** 222

**Impact to Page Numbers:** No

**Summary:** Added additional language, information to include in request, and address.

How to Request a G.C. Section 21221(h) Extension for Employment

When a public agency appoints a retiree under this section and requests an extension, the governing body of the public agency employer must request the extension. When a school employer appoints a retiree under this section and requests an extension, the County Office of Education (not the school district)

must request the extension. The request must be accompanied by a resolution, passed by the governing body of the employer. Please see the sample language in the appendix.

The request, addressed to the Benefit Services Division, and the resolution must be received before the retiree reaches his/her 960-hour limit. ***The following information must be included:***

1. Name, social security number, title of position at retirement and CalPERS retirement date of the retired person,
2. The title of the position the retired person was appointed to under G.C. section 21221(h) and for which the extension is requested,
3. The appointment date of the temporary position (date the 960 hours began),
4. The approximate date on which the 960 hour maximum will be reached,
5. The specific reason(s) for the extension request; and
6. The number of additional hours of employment requested for the extension.
- 7. *A copy of the employment agreement.***

Questions regarding the employment of a retired person should be directed to the Benefit Services Division at **888 CalPERS** (or **888-225-7377**). ***Requests should be sent to:***

**CalPERS**  
**Benefit Services Division**  
**P.O. Box 942711**  
**Sacramento, California 94229-2711**

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**Chapter:** Benefits Procedures  
**Section:** Employment of a Retiree  
**Subsection:** Employment of a Disability Retiree  
**Page:** 223

**Impact to Page Numbers:** No

**Summary:** Added missing words, form number, an additional step in hiring process, and missing form to appendix.

Employment of a Disability Retiree

NOTE:

For Temporary employment not to exceed 960 hours, see Temporary Employment section under Exceptions to General Rule on previous page.

The Board may approve CalPERS re-employment without reinstatement for a member who is receiving a disability retirement allowance and who is offered a specific job in a position that is significantly different from ***that*** which the member

retired. Such employment cannot begin prior to the Board's approval (G.C. section 21228).

To request re-employment approval, the **employer and** retiree must submit the following:

1. The retired person needs to complete and sign Section 1 of the Request to Work While Receiving Disability/Industrial Disability Retirement Benefits form (**PERS07M0044DNC**) provided in the publication, Employment After Retirement (PUB 33).
2. The prospective employer completes Section 2 of the request form, stating their "intent to hire" the retired person upon CalPERS approval. Attach a copy of the current job duty statement for the position which the retired person is requesting to work. Include the starting salary for the retiree and the salary range for the position. In addition, you will be expected to notify CalPERS of any salary increase when paid to the retiree and all increases, such as cost-of-living adjustments, when applied to the salary range of the position.

If the retiree is to be promoted or changes positions, a new re-employment approval must be obtained prior to the position change, or the retiree may be subject to retroactive reinstatement from disability retirement or be liable for reimbursement of any retirement allowance paid in excess of his/her earnings limit.

3. ***The employer and member must complete, sign, and submit the Physical Requirements of the Position/Occupational Title form (PERS01M0050DMC). An example of this form is in the Appendix.***
4. Provide a medical report from the retired person's physician who specializes in the member's disabling condition stating that he/she has recently examined the retired person, reviewed the job duty statement, ***Physical Requirements of the Position/Occupational Title form***, and finds the retired person is able to perform all tasks without restriction or limitation. CalPERS may require an independent medical evaluation to supplement the doctor's report. If so, CalPERS will select the physician, schedule the appointment, and pay for the examination.

Upon approval of the re-employment, the retired person will be required to report ~~monthly~~ earnings to CalPERS, as the disability retirement pension is subject to an earnings limit for as long as the employment continues.

NOTE:

No employee or employer contributions are made to CalPERS for these types of employment.

For specific questions concerning employment of a CalPERS retiree, please review the publication Employment After Retirement (PUB 33) available on the CalPERS Web site at [www.calpers.ca.gov](http://www.calpers.ca.gov) or contact CalPERS at 888 CalPERS (or 888-225-7377).

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**Chapter:** Benefits Procedures

**Section:** Reinstatement from Retirement

**Subsection:** Disability Retirement

**Page:** 226

**Impact to Page Numbers:** No

**Summary:** Added Industrial Disability information to subsection, missing form to appendix, and additional information on Industrial Disability; removed old language.

Disability/**Industrial Disability** Retirement

***A member retired for disability/industrial disability may request approval from CalPERS to reinstate to another CalPERS covered position.***

1. The Board may require any member receiving a disability retirement allowance, under the minimum age for voluntary retirement for service, to undergo a medical examination. If the Board determines that such recipient is not incapacitated for duty, the agency shall be notified that such person is eligible for reinstatement to duty. The fact that the member was retired for disability does not prejudice any right to reinstatement to duty, which the member may claim. The member's disability retirement allowance will be canceled on the effective date of the employer's job offer (G.C. sections 21192 and 21193).
2. Any retiree may request approval from CalPERS to reinstate, whereby the retirement allowance is canceled and the member resumes active member status, including earning additional service credit towards his/her subsequent retirement.

To request approval, the **employer and** member must:

- Complete Section 1 **and 2** of the Request for Reinstatement from Disability/Industrial Disability Retirement form (PERS01M0036DMC) found in the Reinstatement from Retirement publication (PUB 37) **and in the Appendix**;
- Provide a current job duty statement for the position, **and complete the Physical Requirements of the Position/Occupational Title form (PERS01M0050DMC)**;
- Provide a current written report from his/her physician specializing in the member's disabling condition that indicates the job duty statement **and**

***Physical Requirements of the Position/Occupational Title form (PERS01M0050DMC)*** was reviewed and the member was recently examined and is found able to fully perform the tasks on the job duty statement without limitation or restrictions.

If the member is requesting reinstatement into a different position from which they retired, the prospective employer must complete Section 3 stating their intent to hire the member upon CalPERS approval (G.C. sections 21192 and 21193).

If the member whose disability retirement has been canceled does not re-enter CalPERS covered employment, an amount which is the actuarial equivalent of the member's annuity at cancellation shall be credited to the individual account, and shall be refunded unless the member is eligible to elect, and does elect, to allow his/her accumulated contributions to remain in the retirement fund (G.C. section 21172).

~~A member retired for industrial disability may request approval from CalPERS to reinstate to a position which is classified as miscellaneous.~~

#### ***Additional Information for Industrial Disability***

***For reinstatement from Industrial Disability only, the member must:***

- ***Check the box in Section 2***

The prospective employer must:

- Complete Section 3 stating their intent to hire the member upon CalPERS approval (G.C. sections 21192 and 21193).
- ~~Furnish a "Notice of Intent to Hire under G.C. section 21197" to the employer from which the member is currently retired.~~

Upon subsequent retirement, the member's allowance will be recalculated based on the highest final compensation period during employment using the same benefit formula for industrial disability and adding an annuity for the additional time worked after reinstatement. If the member is eligible for a service retirement after the miscellaneous employment, the member may receive whichever allowance is greater, but will retain the industrial disability retirement classification (G.C. sections 21197 and 21200).

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**Chapter:** Appendix

**Section:** Sample Language for Resolution Requesting Employment Extension  
Per GC 21221(h)

**Page:** 294

**Impact to Page Numbers:** No



**Summary:** Corrected governing body of schools to be County Office of Education.

\*For School employers the governing body is the County ~~Board~~ **Office** of Education.